

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

JESSE L. BUNTAIN,

No. 15-CV-0304-FVS

Plaintiff,

**ORDER ADOPTING REPORT AND
RECOMMENDATION TO DENY
PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT AND
GRANT DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT**

NANCY A. BERRYHILL, Acting
Commissioner of Social Security,

ECF Nos. 12, 14, 16

Defendant.

¹ Nancy A. Berryhill became the Acting Commissioner of Social Security on January 20, 2017. Pursuant to Rule 25(d) of the Rules of Civil Procedure, Nancy A. Berryhill is substituted for Carolyn W. Colvin as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of 42 U.S.C. § 405(g).

**ORDER ADOPTING REPORT AND RECOMMENDATION TO DENY
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND GRANT
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT ~ 1**

1 **BEFORE THE COURT** is the Report and Recommendation issued by
2 Magistrate Judge Mary K. Dimke on January 23, 2017, ECF No. 16,
3 recommending Plaintiff's Motion for Summary Judgment, ECF No. 12, be denied
4 and Defendant's Motion for Summary Judgment, ECF No. 14, be granted. No
5 objection was filed. After review, the Court hereby adopts the Report and
6 Recommendation in its entirety. Accordingly, **IT IS ORDERED:**

7 1. The Report and Recommendation, ECF No. 16, is **ADOPTED** in its
8 entirety.

9 | 2. Plaintiff's Motion for Summary Judgment, ECF No. 12, is DENIED.

10 || 3. Defendant's Motion for Summary Judgment, ECF No. 14, is

11 | GRANTED.

12 The District Court Executive is directed to file this Order and forward copies
13 to the parties. Judgment shall be entered for Defendant and the file shall be
14 **CLOSED**.

15 | DATED February 9, 2017.

s/Fred Van Sickle

Fred Van Sickle

Senior United States District Judge

20 ORDER ADOPTING REPORT AND RECOMMENDATION TO DENY
-- PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND GRANT
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT ~ 2